THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.5029 of 2006

DATED: 16.03.2006

Between:

S. Janardhan Rao …. Petitioner

AND

The Mandal Revenue officer,

Chinthapally Mandal,

Nalgonda District and another ….Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5029 of 2006

ORDER:

Seeking a writ of Mandamus declaring the action of the respondents in not passing orders on the application dt.15-01-2004 of the petitioner and not issuing pattadar pass books and title deeds as per the court decree passed in O.S.No.90 of 1996 dated
28-03-2003 on the file of the Senior Civil Judge, Miryalaguda as illegal and arbitrary, petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondent and perused the entire material available on record.

Learned counsel for the petitioner submitted that as per the judgment and decree in O.S.No.90 of 1996 dated 28-03-2003 on the file of the Senior Civil Judge, Miriyalaguda, petitioner was allotted an extent of Ac.12.25 guntas in Survey No.209, Ac.15.34 guntas in Survey No.125, Ac.3-39 guntas in Survey No.126, Ac.10.20 guntas in Survey No.375, Ac.10.22 guntas in Survey No.376, Ac.17-08 guntas in Survey No.379 and Ac.19.34 guntas in Survey No.380 total admeasuring Ac.90-32 guntas situated at Kurmapally village of Chinthapalli Revenue Mandal, Nalgonda District and the said judgment among the parties to the said suit has become final and binding on all the parties. It is stated that prior to the partition suit, certain names have been entered in the revenue records and to implement the judgment and decree of the civil court, petitioner filed an application on 15-01-2004 for issuing the pattadar pass book and title deed as per the aforesaid court decree and judgment, but the said application has not been considered and disposed of. Thereafter, the Mandal Revenue Officer, Chinthapalli vide letter No.B/3246/2004, dated 28-03-2005 to the 2nd respondent seeking clarification for taking appropriate action stating that the said land was already mutated in the revenue records showing the names of the persons who are the pattadars and possessors and revenue entries were already there before the date of the judgment and decree. It is stated that as the application of the petitioner dated 15-01-2004 has not been considered, he also made a representation on 11-08-2005 before the District Collector. It is also stated that even though certain names have been recorded as pattadars and possessors in the revenue records, but the respondents failed to implement the court decree.

I am not inclined to express any opinion on the merits of the case, however, when an application is filed before the 1st respondent, 1st respondent shall issue notice to all the interested persons whomsoever, whose names are entered as pattadars in the

pattadar column and possessor column and in whose names the title deeds and pattadar pass books have been issued, shall consider the claims of all the interested persons and pass appropriate orders. Being any person whose name is shown as possessor and pattadar suffered a decree, the said judgment and decree attains finality and the revenue authorities shall implement the court orders in the absence of any contrary orders available on record.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose of the application of the petitioner dated 15-01-2004 after giving notice to all the concerned and pass appropriate orders within four months from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly. No order as to costs.

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V. ESWARAIAH, J.

Dated: 16-03-2006

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